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MARK DOWNEY,  
Plaintiff,  
v.  
US OF AMERICA,  
Defendant.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No. 19-cv-04338-NC

**ORDER TO SHOW CAUSE  
WHY CASE SHOULD NOT BE  
DISMISSED**

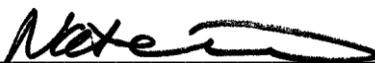
On August 5, 2019, the Court screened pro se plaintiff Mark Downey's complaint and found that it failed to state a claim. *See* Dkt. No. 4. The Court granted Downey leave to file an amended complaint by September 6, 2019, and requested that he consent or decline magistrate judge's jurisdiction by August 19, 2019. *See id.*; *see also* Dkt. No. 5. Downey has not filed an amended complaint or consent form.

In light of Downey's failure to respond, the Court ORDERS Downey to show cause why his case should not be dismissed for lack of prosecution by **September 20, 2019**.

The Court notes that Downey has a similar proceeding at *Mark Downey v. US of America*, No. 19-cv-4200-NC. If Downey intends to abandon this lawsuit in favor of the other proceeding, he should indicate his intention to do so in his response.

**IT IS SO ORDERED.**

Dated: September 12, 2019

  
NATHANAEL M. COUSINS  
United States Magistrate Judge